

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
1401 Rockville Pike, 4th Floor, Rockville, MD 20850
June 6, 2018

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:02pm by Chairman Mark Fine.

Commissioners present: BRANDA, BURROWS, ETHIER, FINE, FISHBEIN, GARDNER, MAJERLE, OXENDINE, VINEY, WINEGAR

Staff present: Walter Wilson, Associate County Attorney; Ife Fabayo; Tim Goetzinger, DHCA Chief of Finance and Administration

Guests present: Larry Dorney [Grosvenor Park], John & Paula Palmisano [Whitley Park Condo Assoc.]

1. **May meeting minutes:** Commissioner Majerle moved to accept the minutes as amended and the motion was approved by majority vote, Commissioner Oxendine abstaining.
2. **Open Forum:** no comments
3. **Default cases:** none
4. **Cases for jurisdiction:**
 - #2018-060 John Palmisano v. Whitley Park Condo Assoc.: After summary of dispute, staff and attorney recommendation, and discussion, Commissioner Oxendine moved to accept jurisdiction and refer the case to a hearing panel; the motion was accepted by majority vote, Commissioner Winegar against.
 - #2018-070 Yuetao Ru v. Redland Crossing HOA: After summary of dispute, staff and attorney recommendation, and discussion, Commissioner Ethier moved to reject the case as it does not fall within the Commission's statutory jurisdiction; the motion was accepted by unanimous vote.
5. **Decisions & Orders Issued:**
 - #31-17 Kim v. Montgomery Chase Condo Assoc.
 - #2018-040 Dillin v. The Willoughby
 - #2018-061 Nadri v. The Willoughby
 - #40-17 Jones et al v. Georgian Colonies Condo Assoc.

Commissioner Ethier moved to waive the reading of individual Decisions, which was accepted by unanimous vote.
6. **Decisions & Orders on Appeal:** Association [The Willoughby] appealing decisions [above] in Dillin and Nadri cases.
7. **County Attorney's Case Review:**
 - #35-17 Lienhard v. Poplar Run [approved]
 - #2018-037 Hypolite v. Longmead
 - #27-17 Parker v. Fair Hill
8. **DHCA Staff report:** Tim Goetzinger presented a newly formatted monthly statistical report. The number of registered associations has been amassed from both DHCA and Parks & Planning databases. It is still assumed that there are associations unknown to the county and as yet unregistered. This is an on-going process. Discussion followed:
 - As un-registered associations are found, DHCA will use the courts to bring them into compliance with registration requirements. This in turn will increase revenues. Everyone agreed that there is a

need to increase the response rate. No ideas were proposed for finding the violators.

- The 2019 Budget [included in the monthly report] has been approved by the County Council. A suggestion was made for the County to waive the \$5.00/unit registration fee for distressed communities. The Tiger Team [independent of the CCOC] is already looking into this.
- Community Managers are being told to enter information about their property owners in MOCO's computer format *only* or face a \$500 fine. The system is also too cumbersome, making it onerous for these managers and for self-managed associations. Much of the information requested is for Licensing & Registration purposes [i.e. rental licenses] which is not the CCOC's responsibility to collect, while the CCOC cannot get its "annual survey" data from Registration.
- Statistics: Once a case is closed on CMS, it cannot be re-opened to add documents. The IT is working diligently to input the data. Cases will remain open until all documents are added to file; this in turn will affect the 'validity' of the statistical report.
- Anyone with comments or suggestions as to what categories in the monthly activity report they believe should be maintained or added, or what categories they believe can be eliminated, should contact the Commission Chair, Mark Fine.

9. Chairman Fine's report:

The County Executive has received 24 applications for seats on the Commission. Interviews will be held on weekends by Ife Oluwapo, Mark Fine, and Staci Gelfound. Three potential Panel Chairs will also be interviewed. Chairman Fine said all new Panel Chairs will 'shadow' current Panel Chairs in their duties, and Commissioner Ethier volunteered to give them basic training.

10. Committee reports:

Education Committee report: Kathy Viney [Committee Chair] reported the following:

- An ad soliciting volunteers for Panel Chairs was approved, to be sent to the Montgomery County Bar Association Journal. Commissioner Burrows was having design added to be more eye-catching. After discussion, it was decided that Commissioner Burrows would send text only to Commissioner Gardner who would get it into the Journal *asap* and for free. Commissioner Fine will also have same text added to CCOC website.
- Peter Drymalski has volunteered to compile articles for a Summer/Fall edition of the CCOC newsletter. Commissioner Ethier is coordinating articles on "tax basis letters" and crime insurance as related to internal controls. Commissioner Viney in combination with Vicki Vergagni has submitted a list of services helpful to coc's. Anyone can submit – asap - a brief [500 words] article of interest to kathyviney@comcast.net.
- Commissioners Ethier and Gardner have volunteered to summarize and provide 'head notes' of past D&O's for the Staff Guide, website, and newsletter. All Panel Chairs will be required to do this for each case in future.
- Website reorganization and content review is on-going.

Legislative Committee report: Commissioners Branda [Committee Chair], Burrows, and Fine to meet with Assoc. County Attorney & DHCA Chief next week re proposed amendments to 10B.

Process & Procedures Committee report: Commissioner Ethier [Committee Chair] reported that discussions continue with DHCA Chief and Commission Chair Fine re administrative flow chart.

11. Adjournment: Chairman Fine adjourned the meeting at 8:40pm

Next meeting of the Commission: Wednesday, July 11, 2018 at 7:00pm